

RESOLUTION NO. 75066

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO DETERMINE THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, TO AWARD A CONSTRUCTION CONTRACT FOR THE FEDERAL RECOVERY ACT TIER 1 RESURFACING PROJECT TO THE LOWEST RESPONSIVE BIDDER, IN THE AMOUNT NOT TO EXCEED FUNDS APPROPRIATED FOR THE PROJECT, OR TO REJECT ALL BIDS AND RE-BID THE PROJECT

WHEREAS, on February 17, 2009, President Obama signed the federal economic stimulus bill known as the American Recovery and Reinvestment Act of 2009 ("Federal Recovery Act"); and

WHEREAS, the Valley Transportation Authority ("VTA") is the local agency responsible for distributing funds as they become available at the Federal level and has allocated funding in the amount of \$12,701,000 for Tier 1 Projects in the City of San José ("City"), along with \$375,000 in City funding, to resurface 15.3 miles of City streets; and

WHEREAS, the list of City streets in need of resurfacing was developed and prioritized following Federal guidelines and using the following criteria: (1) streets designated as eligible for Federal funding, (2) streets in the worst condition that are in need of resurfacing, (3) streets that require minimum right-of-way or other permits as required by Federal and State guidelines to meet the deadlines associated with Federal Recovery Projects, and (4) streets not affected by current or future street-related projects; and

WHEREAS, in order to complete the Project in 2009 and avoid scheduling impacts to future projects, it is imperative that the construction contract be awarded in July 2009 to allow for the advantageous weather conditions in the summer months; and

WHEREAS, bid opening is tentatively scheduled for July 2, 2009; and

WHEREAS, the City desires to authorize the City Manager to award the Federal Recovery Act Tier 1 Resurfacing Project in order to complete the Project in 2009 and avoid scheduling impacts to future projects;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

Subject to the conditions set forth below, the City Manager is hereby authorized to determine the lowest responsive and responsible bidder, to award the Federal Recovery Act Tier 1 Resurfacing Project to the lowest responsive bidder, in the amount not to exceed funds appropriated for the Project, or to reject all bids and re-bid the Project.

The specifications for the Project will include the following process regarding bid protests:

1. Bid results and a Notification of Intention to Award Contract to Apparent Low Bidder by the City Manager will be posted on the Bid Hotline.

2. All bidders will be e-mailed or faxed a copy of the Notification of Intention to Award Contract and will have five (5) working days to file a formal written bid protest.
3. The City Manager will then hear and decide any timely bid protests, including any issues of bidder responsiveness or responsibility and will award the contract.

ADOPTED this 23rd day of June, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk